

Appln. No.: 09/935,035
Amendment Dated: March 28, 2005
Reply to Office Action of December 28, 2004

MATI-203US

Remarks/Arguments:

Claims 1-18 are presently pending. Claims 1-7, 11, and 17 are rejected and claim 2-5, 7, 12-16, and 18 are objected to. Claims 8-10 are indicated as allowable. Claims 1, 8, and 11 are amended herein to overcome the rejections and to correct minor grammatical errors. No new matter is added.

Claims 1-7 are rejected to under 35 U.S.C. §112, second paragraph, for indefiniteness. The Office Action recites that "[c]laim 1 is indefinite because applicant has claimed a 'receiver ... to provide an output signal.'" and that "[a] receiver only receives information, and some other element, such as a transmitter, must send or deliver or transmit an output signal." The Office Action then recites "[f]or applicant to claim that a receiver provides an output signal is vague and indefinite." Applicants respectfully disagree for the reason set forth below.

An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term. See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). The specification of the instant application clearly defines a receiver as an apparatus that provides "content directly to an operator of an entertainment device via output terminals of the device." The use of the term receiver in claim 1 is consistent with this definition. As applicant has clearly set forth a definition of a receiver as an apparatus that provides content directly to an operator of an entertainment device via output terminals of the device and this definition is consistent with the use of that term in claim 1, claim 1 is not vague and indefinite. Accordingly, applicants request that the rejection of claim 1 as indefinite be withdrawn.

It is assumed that claims 2-7 were rejected for depending from a rejected base claim. For the reason set forth above that claim 1 is not indefinite, claim 2-7 are likewise not indefinite. Accordingly, applicants request that the rejection of claims 2-7 as indefinite be withdrawn.

Claims 1, 6, 11, and 17 stand rejected as anticipated by U.S. Patent No. 6,067,278 to Owens et al. (herein Owens). It is respectfully submitted, however, that the claims are patentable over Owens for the reasons set forth below.

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Owens is directed to a digital recorder for a car radio. The digital recorder includes a record button that records content when pressed.

Applicants' invention, as recited by claim 1, includes the following features (at least one of which is neither disclosed nor suggested by Owens):

a receiver responsive to content signals provided to the automobile entertainment device to provide an output signal representing user preferred content to an output terminal of the automobile entertainment device;

a data processor operably linked to the receiver for receiving a signal index of the user preferred content signal, the signal index identifying content of the user preferred content signal, the data processor being responsive to [a] the signal index for actuating the receiver to receive the preferred content signal; and

a memory for storing the received preferred content signal and the signal index,

whereby the stored signal index enables the automobile entertainment device to automatically receive and record the preferred content.

This means that a data processor linked to a receiver receives a signal index of a user preferred content signal that identifies the content of the user preferred content signal, e.g., title of the content, start time of the transmission, stop time of the transmission, and a content category. The signal index is stored in a memory to enable an automobile entertainment device to automatically receive and record preferred content. This feature is found in the application as originally filed at paragraphs 29 and 35.

In rejecting claim 1, the Office Action recites that "Owens et al meets applicant's limitation of a signal index when they disclose a manual pushbutton for recording functions." Claim 1, as amended, however, recites that the signal index identifies content of the user preferred content signal. The manual pushbutton of Owens does not disclose, teach, or suggest a signal index that identifies content of a user preferred content signal. Therefore, Owens does not disclose, teach, or suggest each and every limitation of claim 1. Accordingly, applicants contend that claim 1 is allowable over Owens and request that the rejection of claim 1 be withdrawn.

Claim 11, as amended, while not identical to claim 1, includes features similar to claim 1. Accordingly, applicants contend that claim 11 is also allowable over Owens and request that the rejection of claim 11 be withdrawn.

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Claims 6 and 17 include all the feature of claims 1 and 11, respectively, from which the depend. Thus, Applicants contend that claims 6 and 17 are also allowable over Owens for the reasons set forth above.

The Office Action indicates that claims 8-10 are allowed and that claims 2-5, 7, 12-16, and 18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, 2nd paragraph. Applicants appreciate the examiner's recognition of allowable subject matter. As the rejections under 35 U.S.C §112, 2nd paragraph, have been addressed above without amendment, applicants contend that claims 2-5, 7, 12-16, and 18 are now allowable and requests that the rejection of these claims be withdrawn.

In view of the amendments and remarks set forth above, applicants contend that the above-identified application is in condition for allowance. Such action is respectfully requested.

Respectfully submitted,



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